

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

JACOB A. MATHLEY

No. 20 CR 00585

Judge Jorge I. Alonso

REQUEST FOR VIDEO CHANGE OF PLEA HEARING

The Defendant, JACOB A. MATHLEY through ROBERT A. HEAP of KUHN, HEAP & MONSON, respectfully files this request for a video conference change of plea hearing. Because an in person hearing would seriously jeopardize public health and safety and because further delay would cause serious harm to the interests of justice, the parties request that, pursuant to Section 15002(b)(2)(A) of the CARES Act, the Court permit the parties to participate in a plea hearing by video teleconference.

Background

The defendant has been on electronic monitoring since his bond hearing on October 1, 2020. The indictment charges defendant with possession of child pornography, in violation of Title 18, United States Code, Section 2256(8)(A).

By order dated September 4, 2010 and later reaffirmed on September 21, 2021, the Chief Judge authorized that under Section 15002(b)(2)(A) of the CARES Act, Pub. L. No. 116-136, 134 Stat. 281, felony pleas and felony sentencings may be conducted by video conferencing if an in-person hearing would seriously jeopardize public health and safety and because any further delay would cause serious harm to the interests of

justice. With that finding, a judge may, with the consent of the defendant after consultation with counsel, used video conferencing for the felony plea or sentencing in that case.

Here, defendant voluntarily agrees to a video teleconference plea hearing, a change of plea cannot be conducted in person without seriously jeopardizing public health and safety, and a further delay in the plea will cause serious harm to the interests of justice. Defendant is on home confinement, so an in-person plea hearing would require the Defendant's movement from his home in DeKalb, Illinois to the federal courthouse, with all the attendant in-person contact between court personnel and defendant.

For those reasons, pursuant to Section 15002(b)(2)(A), proceeding with the change of plea by video-conference is necessary to avoid serious harm to the interests of justice.

Conclusion

The parties respectfully request that pursuant to Section 15002(b)(2)(A) of the CARES Act, permit the parties to participate in a plea hearing by video teleconference

Dated: December 23, 2021

Respectfully submitted,
ROBERT A. HEAP
Attorney for the Defendant

By: /s/ Robert A Heap

Kuhn, Heap & Monson
101 N. Washington St
Naperville, IL 60540
630-369-4980